

**IN THE UNITED STATES DISTRICT
COURT NORTHERN DISTRICT OF
TEXAS DALLAS DIVISION**

JOSEPH COOPER,

Plaintiff,

v.

BRODERICK STEVEN "STEVE" HARVEY

Defendant.

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CAUSE NUMBER: 3:14-cv-04152-B

**PLAINTIFF'S REQUEST FOR CLARIFICATION OF
NOTICE OF ATTENDANCE AT TRIAL**

The Court ordered that all parties and counsel "to be present for the entirety of trial." [Doc. 193].

At the close of pretrial, and for the first time since this matter was specially set and the above order was issued, Defendant's counsel made the Court aware that Mr. Harvey would *not* attend the entirety of the trial and was expected to leave as early as the 24th of January, or testify remotely, or even bifurcate the trial. Defendant has yet to file a motion seeking such relief.

During the pretrial hearing, the Court issued a clear instruction that Defendant file by noon, January 22nd, an unequivocal answer as to whether he was or was not going to stay for the entirety of trial. And, if Defendant would not remain for the entirety of trial, then the Court would strike his pleadings and receive evidence on Plaintiff's damages.

Defendant filed his Notice of Attendance at Trial at 10:47 p.m. on January 21, 2017, Document 209, the Notice of Appearance does not comply with the Court's instructions as the notice merely states that Harvey will attend trial from the 23rd through the 27th as opposed to a statement that he be present "for the entirety of trial."

The trial will not begin until Tuesday, the 24th and is expected to take at least four days, not

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including selection of a jury, opening and closing arguments. As the Court knows, parties' estimates of the
length of trials are not always accurate. The case may continue until the next week. As published, Mr.
Harvey is going to be in the Philippines at 6:00 cst on Sunday January 22, 2017.

Plaintiff requests clarification that Mr. Harvey will be present, as ordered, the entire trial.

Respectfully submitted,
BENNETT, WESTON, LAJONE & TURNER, P.C.

/s/ Casey S. Erick

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing Plaintiff's Response to Notice of Attendance at Trial was served on all counsel of record through the electronic filing on this 22nd day of January 2017.

/s/ Casey S. Erick
